

Application Serial No.: 09/663,662  
Attorney Docket No.: 01CON357P

### REMARKS

By the present amendment, claims 2, 34, 52, 56-58 and 62-63 have been amended. After the present amendment, claims 2-9, 34-41 and 52-63 are pending in the application. An early allowance of claims 2-9, 34-41 and 52-63 in view of the above amendments and following remarks is respectfully requested.

**A. Rejections of Claims 2-9, 34-41 and 52-63 under 35 USC §103(a)**

The Examiner has rejected claims 2-9, 34-41 and 52-63 under 35 USC §103(a) as being unpatentable over U.S. Patent Number 6,691,084 to Manjunath, et al. ("Manjunath") in view of U.S. Patent Number 5,974,375 to Aoyagi, et al. ("Aoyagi"). For the reasons discussed below, applicants respectfully submit that the present invention, as defined by amended independent claims 2 and 34, is patentably distinguishable over Manjunath.

As disclosed in the present application, the first speech coding mode uses less bits than the second speech coding mode to code a fixed codebook contribution, and the first speech coding mode uses a first vector quantizer to jointly code both an adaptive codebook gain and a fixed codebook gain, and the second speech coding mode uses a second vector quantizer to code the adaptive codebook gain and a third vector quantizer to code the fixed codebook gain. (See Table 1 on page 12, and FIGs. 6 and 7 and their related written description.)

In contrast to the present invention, as defined by amended independent claims 2 and 34, Manjunath and Aoyagi fail to disclose, teach, or suggest that the first speech coding mode uses less bits than the second speech coding mode to code a fixed codebook contribution, and the first speech coding mode uses a first vector quantizer to jointly code both an adaptive codebook gain

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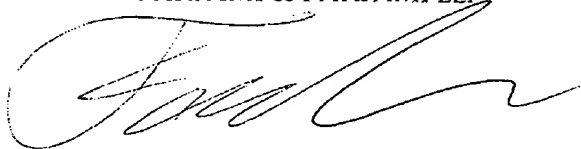
and a fixed codebook gain, and the second speech coding mode uses a second vector quantizer to code the adaptive codebook gain and a third vector quantizer to code the fixed codebook gain.

For the foregoing reasons, applicants respectfully submit that the present invention, as defined by amended independent claims 2 and 34, is not taught, disclosed, or suggested by the art of record. Thus, amended independent claims 2 and 34 are patentably distinguishable over the art of record. As such, the claims depending from amended independent claims 2 and 34 are, *a fortiori*, also patentable for at least the reasons presented above and also for additional limitations contained in each dependent claim.

**B. Conclusion**

Based on the foregoing reasons, an early notice of allowance for claims 2-9, 34-41, and 52-63 remaining in the present application is respectfully requested.

Respectfully Submitted,  
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